



**CLERK, U.S. BANKRUPTCY COURT  
NORTHERN DISTRICT OF TEXAS**

ENTERED

**THE DATE OF ENTRY IS ON  
THE COURT'S DOCKET**

**The following constitutes the ruling of the court and has the force and effect therein described.**

**Signed December 16, 2021**

## **United States Bankruptcy Judge**

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

## Reorganized Debtor.

HIGHLAND CAPITAL MANAGEMENT, L.P.,  
Plaintiff,

VS.

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.

**Defendant.**

§ Chapter 11  
§ Case No. 19-34054-sgj11  
§  
§  
§  
§  
§  
§  
§  
§ Adversary Proceeding No.  
§ 21-03082-sgj  
§  
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§  
§

## **ORDER APPROVING STIPULATION REGARDING SCHEDULING ORDER**

Upon consideration of the *Stipulation and Proposed Scheduling Order* [Docket No. 6] (the

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

“Stipulation”)<sup>2</sup> entered into between Highland Capital Management, L.P., the reorganized debtor<sup>3</sup> (“Highland”) in the above-captioned chapter 11 case (“Bankruptcy Case”) and the plaintiff in the above-captioned adversary proceeding (the “Adversary Proceeding”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA”, and together with Highland, the “Parties”), it is

**HEREBY ORDERED THAT:**

1. The Stipulation, a copy of which is attached hereto as Exhibit A, is **APPROVED**.
2. The Stipulation shall become effective immediately upon entry of this Order.
3. With respect to the Adversary Proceeding, the Parties shall abide by the following pretrial schedule (the “Joint Pretrial Schedule”) in lieu of that provided in the Alternative Scheduling Order:

<i><b>Proposed Joint Scheduling Order</b></i>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	<b>January 31, 2022</b>
2. Service of Written Responses to Discovery	<b>February 28, 2022</b>
3. Completion of Fact Discovery	<b>March 28, 2022</b>
4. Expert Disclosures	<b>April 4, 2022</b>
5. Completion of Expert Discovery	<b>May 27, 2022</b>
6. Dispositive Motions	<b>May 27, 2022</b>
7. Exhibit and Witness Lists	<b>June 27, 2022</b>
8. Joint Pretrial Order	<b>July 1, 2022</b>
9. Proposed Findings of Fact and Conclusions of Law	<b>July 1, 2022</b>

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<sup>2</sup> Capitalized terms not otherwise defined in this Order shall have the meanings ascribed to them in the Stipulation.

<sup>3</sup> On February 22, 2021, the Bankruptcy Court entered the *Order (i) Confirming the Fifth Amended Plan of Reorganization (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed the *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.*, as modified (the “Plan”). The Plan went Effective (as defined in the Plan) on August 11, 2021, and Highland is the Reorganized Debtor (as defined in the Plan) since the Effective Date. See *Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

10. Trial Docket Call	<b>July 11, 2022 at 1:30 p.m. (CT)</b>
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4. The Joint Pretrial Schedule set forth in this Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

5. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Order, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

###End of Order###

**EXHIBIT A**

**PACHULSKI STANG ZIEHL & JONES LLP**

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(admitted pro hac vice)  
Ira D. Kharasch (CA Bar No. 109084)  
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John A. Morris (NY Bar No. 2405397)  
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*Counsel for Highland Capital Management, L.P.*

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

In re:

§  
§ Chapter 11

HIGHLAND CAPITAL MANAGEMENT, L.P.,<sup>1</sup>

§  
§ Case No. 19-34054-sgj11

Reorganized Debtor.

§  
§

HIGHLAND CAPITAL MANAGEMENT, L.P.,

§

Plaintiff,

§  
§ Adversary Proceeding No.

vs.

§  
§ 21-03082-sgj

HIGHLAND CAPITAL MANAGEMENT FUND  
ADVISORS, L.P.

§  
§

Defendant.

§

<sup>1</sup> The Reorganized Debtor's last four digits of its taxpayer identification number are (6725). The headquarters and service address for the above-captioned Reorganized Debtor is 100 Crescent Court, Suite 1850, Dallas, TX 75201.

**STIPULATION AND PROPOSED SCHEDULING ORDER**

This stipulation (the “Stipulation”) is made and entered into by and between Highland Capital Management, L.P., as the reorganized debtor (“Highland” or “Plaintiff”), and Highland Capital Management Fund Advisors, L.P. (“HCMFA” or “Defendant”, and together with Highland, the “Parties”), by and through their respective undersigned counsel.

**RECITALS**

WHEREAS, on October 16, 2019 (the “Petition Date”), Highland filed a voluntary petition for relief under chapter 11 of title 11 of the United States Code (the “Bankruptcy Code”) in the Bankruptcy Court for the District of Delaware, Case No. 19-12239 (CSS) (the “Delaware Court”);

WHEREAS, on December 4, 2019, the Delaware Court entered an order transferring venue of Highland’s bankruptcy case (the “Bankruptcy Case”) to this Court;

WHEREAS, on January 22, 2021, Highland filed its *Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified)* [Bankr. Docket No. 1808] (the “Plan”);

WHEREAS, on February 22, 2021, the Bankruptcy Court entered the *Order Confirming the Fifth Amended Plan of Reorganization of Highland Capital Management, L.P. (as Modified) and (ii) Granting Related Relief* [Bankr. Docket No. 1943] (the “Confirmation Order”) which confirmed Highland’s Plan.

WHEREAS, on August 11, 2021, the Plan became Effective (as defined in the Plan), and Highland became the Reorganized Debtor (as defined in the Plan). *See Notice of Occurrence of Effective Date of Confirmed Fifth Amended Plan of Reorganization of Highland Capital Management, L.P.* [Bankr. Docket No. 2700].

WHEREAS, on November 9, 2021, Highland commenced the above-captioned adversary

proceeding (the “Adversary Proceeding”) against HCMFA by filing its complaint [Docket No. 1]<sup>2</sup> (the “Complaint”);

WHEREAS, on November 10, 2021, the Court issued its *Order Regarding Adversary Proceedings Trial Setting and Alternative Scheduling Order* [Docket No. 3] (the “Alternative Scheduling Order”);

WHEREAS, the Parties have conferred and desire to enter into a mutually agreeable proposed schedule, as specifically set forth below.

NOW, THEREFORE, it is hereby stipulated and agreed, and upon approval of this Stipulation by the Court, it shall be SO ORDERED:

1. The Parties agree to the following schedule (the “Proposed Joint Scheduling Order”) in lieu of that provided in the Alternative Scheduling Order:

<b><i>Proposed Joint Scheduling Order</i></b>	
<u>Event</u>	<u>Deadline</u>
1. Service of Written Discovery Requests	<b>January 31, 2022</b>
2. Service of Written Responses to Discovery	<b>February 28, 2022</b>
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9. Proposed Findings of Fact and Conclusions of Law	<b>July 1, 2022</b>
10. Trial Docket Call	<b>July 11, 2022 at 1:30 p.m. (CT)</b>

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<sup>2</sup> Refers to the docket number maintained in the Adversary Proceeding.

2. If approved by the Court, the Proposed Joint Scheduling Order shall only be modified in a writing signed by the Parties or upon the entry of an order of the Court entered upon notice to the Parties.

3. The Court shall retain jurisdiction over all disputes arising out of or otherwise concerning the interpretation and enforcement of this Stipulation, subject to any objection to the Court's jurisdiction or core jurisdiction and subject to any motion for the withdrawal of the reference, with respect to which all parties reserve their rights, if any.

*[Remainder of Page Intentionally Blank]*

Dated: December 10, 2021.

**STINSON LLP**

*/s/ Michael P. Aigen*

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Michael P. Aigen  
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- and -

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/s/ Zachery Z. Annable

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*Counsel for Highland Capital Management, L.P.*

United States Bankruptcy Court  
Northern District of Texas

Highland Capital Management, L.P.,  
Plaintiff  
Highland Capital Management Fund Advisor,  
Defendant

Adv. Proc. No. 21-03082-sgj

## **CERTIFICATE OF NOTICE**

District/off: 0539-3

User: admin

Page 1 of 1

Date Rcvd: Dec 17, 2021

Form ID: pdf001

Total Noticed: 1

The following symbols are used throughout this certificate:

**Symbol**

**Definition**  
+ Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.

**Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Dec 19, 2021:**

NONE

**Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.**

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

<b>Recip ID</b>	<b>Notice Type: Email Address</b>	<b>Date/Time</b>	<b>Recipient Name and Address</b>
ust	+ Email/Text: ustregion06.da.ecf@usdoj.gov	Dec 17 2021 21:24:00	United States Trustee, 1100 Commerce Street, Room 976, Dallas, TX 75242-0996

TOTAL: 1

## **BYPASSED RECIPIENTS**

The following addresses were not sent this bankruptcy notice due to an undeliverable address, \*duplicate of an address listed above, \*P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

NONE

## **NOTICE CERTIFICATION**

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Dec 19, 2021

Signature: /s/Joseph Speetjens

## **CM/ECF NOTICE OF ELECTRONIC FILING**

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on December 17, 2021 at the address(es) listed below:

<b>Name</b>	<b>Email Address</b>
-------------	----------------------

Deborah Rose Deitsch-Perez

on behalf of Defendant Highland Capital Management Fund Advisors L.P. deborah.deitschperez@stinson.com, patricia.tomasky@stinson.com;kinga.mccoy@stinson.com

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Zachery Z. Annable

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TOTAL: 3